



[6450-01-P]

**DEPARTMENT OF ENERGY**

**Office of Energy Efficiency and Renewable Energy**

**[Docket No. EERE-2013-BT-DET-0017]**

**Energy Efficiency Program for Industrial Equipment: Final Determination Classifying UL Verification Services Inc. as a Nationally Recognized Certification Program for Small Electric Motors**

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of final determination.

**SUMMARY:** This notice announces a final determination by the U.S. Department of Energy (DOE) classifying UL Verification Services (UL) as a nationally recognized certification program under 10 CFR 431.447 and 431.448.

**DATES:** This final determination is effective **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** The docket for this matter is available for review at [www.regulations.gov](http://www.regulations.gov), including Federal Register notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the

[www.regulations.gov](http://www.regulations.gov) index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket Web page can be found at:

<http://www.regulations.gov/#!searchResults;rpp=25;po=0;s=EERE-2013-BT-DET-0017;fp=true;ns=true>. This Web page contains a link to the docket for this matter on the [www.regulations.gov](http://www.regulations.gov) site. The [www.regulations.gov](http://www.regulations.gov) Web page contains simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586-2945 or by email: [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

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**SUPPLEMENTARY INFORMATION:**

## **I. Background and Authority**

Part C of Title III of the Energy Policy and Conservation Act contains energy conservation requirements for, among other things, electric motors and small electric motors, including test procedures, energy efficiency standards, and compliance certification requirements. 42 U.S.C. 6311-6316.<sup>1</sup> Section 345(c) of EPCA directs the Secretary of Energy to require manufacturers of electric motors "to certify through an independent testing or certification program nationally recognized in the United States, that [each electric motor subject to EPCA efficiency standards] meets the applicable standard." 42 U.S.C. 6316(c).

Regulations to implement this statutory directive are codified in Title 10 of the Code of Federal Regulations Part 431 (10 CFR Part 431) at sections 431.36, Compliance Certification, 431.20, Department of Energy recognition of nationally recognized certification programs, and 431.21, Procedures for recognition and withdrawal of recognition of accreditation bodies and certification programs. Sections 431.20 and 431.21 set forth the criteria and procedures for national recognition of an energy efficiency certification program for electric motors by DOE. With the support of a variety of interests, including industry and energy efficiency advocacy groups, DOE published a final rule on May 4, 2012, that established requirements for small electric motors that are essentially identical to the criteria and procedures for national recognition of an energy efficiency certification program for electric motors. See 77 FR 26608, 26629 (codifying provisions parallel to electric motors for small electric motors at 10 CFR 431.447 and 431.448).

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<sup>1</sup> For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A-1.

For a certification program to be classified by the DOE as being nationally recognized in the United States for the testing and certification of small electric motors, the organization operating the program must submit a petition to the Department requesting such classification, in accordance with sections 431.447 and 431.448. In sum, for the Department to grant such a petition, the certification program must: (1) have satisfactory standards and procedures for conducting and administering a certification system, and for granting a certificate of conformity; (2) be independent of small electric motor manufacturers, importers, distributors, private labelers or vendors; (3) be qualified to operate a certification system in a highly competent manner; and (4) be expert in the test procedures and methodologies in IEEE Standard 112-2004 Test Methods A and B, IEEE Standard 114-2010, CSA Standard C390-10, and CSA C747 or similar procedures and methodologies for determining the energy efficiency of small electric motors, and have satisfactory criteria and procedures for selecting and sampling small electric motors for energy efficiency testing. 10 CFR 431.447(b).

Each petition requesting classification as a nationally recognized certification program must contain a narrative statement as to why the organization meets the above criteria, be accompanied by documentation that supports the narrative statement, and be signed by an authorized representative. 10 CFR 431.447(c).

## **II. Discussion**

Pursuant to sections 431.447 and 431.448, on February 20, 2013, UL submitted to the Department a Petition for “Classification in Accordance with 10 CFR 431.447 and 431.448” (“Petition” or “UL Petition”). The Petition was accompanied by a cover letter from UL to the

Department, containing five separate sections that included narrative statements for each -- (1) Overview, (2) Standards and Procedures, (3) Independent Status, (4) Qualification of UL LCC and UL Verification Services, Inc. to Operate a Certification System, and (5) Expertise in Small Motor Test Procedures. In accordance with the requirements of §431.448(b), DOE published UL's petition in the Federal Register on May 16, 2013 and requested public comments. 78 FR 28812.

In response to that notice, the National Electrical Manufacturers Association (NEMA), a trade association representing manufacturers of electrical products including small electric motors, submitted comments to DOE in a letter dated June 17, 2013 (Comment response to the published Notice of Petition, No. 5). In these comments, NEMA cited several concerns regarding UL's petition, listing them in the order in which DOE requested comments in the notice. UL then submitted a letter to DOE dated June 26, 2013 responding to NEMA's comments (Comment responding to NEMA's comments on UL petition, No. 6).

As required by 10 CFR 431.448(d), DOE published on September 17, 2013 an interim notice of determination regarding UL's petition. 78 FR 57137. In that notice, DOE provided a description of the comments submitted by NEMA and the responses to those comments from UL. In reviewing the comments and responses, DOE found no cause to deny UL's petition and concluded that UL could be classified as a nationally recognized certification program for small electric motors on an interim basis pending a 30-day period of public comment.

Having received no comments on the interim determination, the Department hereby announces its final determination pursuant to 10 CFR 431.448(e) that UL is classified as a nationally recognized certification program for small electric motors.

Issued in Washington, DC, on November 25, 2013.

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Kathleen B. Hogan,  
Deputy Assistant Secretary for Energy Efficiency,  
Energy Efficiency and Renewable Energy.

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